

Congress of the United States

Washington, DC 20515

June 17, 2010

LTC Daniel B. Snead, District Commander
United States Army Corps of Engineers, Buffalo District
1776 Niagara Street
Buffalo, NY 14207

Dear LTC Snead:

For more than four years, Mohawk Valley Economic Development Growth Enterprises (EDGE) has been working with the U.S. Army Corps of Engineers' (USACE), Buffalo District to advance a Section 404 permit application for the site in Marcy, NY. Throughout this process, the intent has always been for the issuance of a permit that would allow EDGE to undertake the necessary site preparation in order to attract a semiconductor manufacturer. This initiative is critical to the long term economic development of the Mohawk Valley region. EDGE and the various state agencies have expended tremendous efforts during this time to obtain the necessary funding, waivers and covenants required for this important project to move forward.

It is our understanding that the draft permit issued by USACE on May 12, 2010, currently includes a special condition (#1), which prohibit EDGE from disturbing the majority of existing wetlands on the site "until a semiconductor manufacturer (tenant) has committed and been secured by executed written contract to utilize the subject project site for the stated project purpose in this permit." In our view, this defeats the central purpose behind the permit application – so that EDGE could develop the site for the express purpose of marketing it to a potential end user. The hope of EDGE has always been to create the most convenient and accessible site as a means of attracting a tenant. This special condition deprives EDGE of that incentive.

Moreover, this special condition is unnecessary to ensure the least possible amount of wetland disturbance. Over the course of the last four years, USACE, EDGE and its consultants and engineers, as well as other federal and state agencies, have painstakingly negotiated the areas detailed in the draft permit to minimize the wetland disturbance at the site and tailor the appropriate amount of off-site mitigation. In addition, as the eventual signatory to the permit, EDGE will remain liable for any disturbances beyond the scope allowed by the permit and for the satisfactory completion of the mitigation plan that USACE has already deemed sufficient to offset impacts at the primary site.

For these reasons, we respectfully request your assistance in removing Special Condition 1 from the permit and allowing EDGE, upon validation of the permit, to immediately commence developing the site, in accordance with the mitigation plan.

As in the past, we appreciate your prompt attention and personal involvement in this important matter. Please contact us as soon as possible to discuss this matter.

Sincerely,



CHARLES E. SCHUMER
United States Senator



KIRSTEN E. GILLIBRAND
United States Senator



MICHAEL A. ARCURI
Member of Congress